

TOWN OF CHATHAM
488 State Route 295
Chatham, New York 12037

TOWN BOARD MEETING MINUTES

January 21, 2021 @ 6:30 PM

GOOGLE MEET: meet.google.com/ymb-pqqn-vnb

JOIN BY PHONE: (US) +1 409-444-2757 (PIN: 629642464#)

PRESENT

Supervisor Donal Collins, Councilmembers Vance Pitkin, Abi Mesick, John Wapner, Kevin Weldon, CAATS Tammy Shaw. Town Clerk Beth Anne Rippel, Town Attorney Tal Rappleyea and others

Supervisor Collins called the meeting to order and followed with the pledge to the flag. A moment of silence was observed for the COVID victims and families affected by the virus.

PUBLIC COMMENT

None

Collins took a minute to say that he had taken his mom the CGCC for her first COVID shot. He wanted to thank the Columbia County Department of Health for doing such a fantastic job and for moving people in and out quickly. Their only limitation now will be the supply of vaccine.

PRESENTATION: Dan Horst, Assessor: RPTL Exemptions Horst:

Governor Cuomo issued an executive order that said that the senior exemption and disability exemptions that were in place in 2020 will hold over till next year for 2021 role so that seniors and those with disabilities don't have to come into town hall. He did it kind of late, we had already had a third or a half come in already. Basically what happens is whatever the property had on it for a senior exemption or disability exemption from the previous year holds for next year and

if the senior makes less money in 2020, they can actually apply anyways, which I've been having people do and that way they get more of an exemption. There are a couple issues one of those was that if the property sold or if it was no longer their primary residence by the executive order I would still have to keep that exemption in place. But that's why we talked about making a local resolution that if the property changes hands or if that senior no longer lives in that property that the exemption would be removed. Quite a few properties have sold. I think it's a good idea not to have people come in to the Town Hall right now but I'm still having people come in if they think that their exemption is going to be increased because it's based on income.

PRESENTATION: Angus Eaton, Deputy PB Chair: Draft Solar Regulation

Angus Eaton: Climate Smart committee is recommending that the Board initiate passage of or the process for passage of a solar law for Chatham. We've worked on the NYSERDA model law which Ian Latimer is going to explain.

Latimer is a member of the clean energy siding team at NYSERDA, which is a support team that works with communities and local governments across the state on clean energy related issues everything from adopting zoning laws to conducting seeker and site plan reviews for projects. So this is definitely something that's within all our wheelhouse and I'm more than happy to you know, do what I can to provide some information that would be helpful to you and your colleagues as you consider how best to handle Solar Development in the town of Chatham. I've prepared a slideshow to introduce our role in the NYSERDA model law. I'll speak on three things in this brief presentation: 1. the state of renewable energy in New York state as well as some of the state's goals for renewable energy deployment.

2. NYSERDA role in providing resources for local governments. 3. overview of the NYSERDA model law which is going to serve as the basis for the law that Angus is proposing the town consider adopting.

The presentation continued for much of the hour with time for Q and A. Latimer turned things over to Eaton to discuss the proposed Solar Law.

Statement of Purpose

- 1) To take advantage of a safe, abundant, renewable and non-polluting energy resource,
- 2) To allow landowners to take advantage of revenue from solar development leases, including agricultural landowners seeking to supplement or diversify agricultural revenues;
- 3) To allow the Town to take advantage of payments in lieu of taxes, and in the future, tax payments associated with solar energy systems,
- 4) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses,
- 5) To increase employment and business development in the Town, to the extent reasonably practical, by furthering the installation of Solar Energy Systems,
- 6) To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources,
- 7) To assure solar development is consistent with the Town's goals for economic development, housing, recreation and arts, historic character, farming, and natural resources, and
- 8) To foster development of community solar rather than larger scale solar projects.

Mesick: I'm completely on board with solar but this draft has appeared in front of us for consideration and it has already gone to the state. We have not really studied it in any meaningful way how this isn't compliance with our comprehensive plan. And when I brought up the short-term rental law one of the one of the things that I did and I think Angus did as well was to go through our

comprehensive plan page by page and look for anything that would support or would be in contradiction of that project. I felt I did what was a reasonable job to show where it was supporting tourism and whatnot. Ultimately, the board decided not to move forward on it until the comprehensive plan was updated yet here we are with another proposed law. We're moving ahead on a review and we have not gone through the comprehensive plan to show where it would be justified. Angus was very kind to point out some goals and one of the goals is that this needs to be developed and consistent with our Rural and Scenic goals. I don't see that happening. There's no mention of size and then

all the mentions in the Ag. plan is all contradictory.

We want to encourage solar throughout the town wherever possible on a small-scale basis to avoid some of these large solar arrays. Please consider, as we move ahead, have we done our homework in order to push this draft law forward and is it or is it not in accordance with the comprehensive plan.

Mesick: It's the tier three projects mostly that would threaten prime farm lands and have an impact on our rural and scenic goals and rural character. Where are we at on this?

Weldon: We're at the beginning of this conversation.

Eaton: I don't want you to feel that the climate smart committee was throwing out a law and saying this is the law, this is the starting point.

Eaton: Kinderhook, Claverack, Livingston, Stuyvesant, Clermont and Greenport all have a solar laws in place. So it's not like Chatham would be jumping ahead of everybody. As Abi pointed out though there may be other that are at the same stages as we are. We're at a drafting stage, it's not a done deal.

Mesick: This is not discussing the law itself, we're discussing the basis where it is rooted in our comprehensive plan. We need to look at that before we start writing a law. What do we have justification to do and do we have justification for a tier 3 project in our town. If we don't have that justification we shouldn't be talking about tier 3 projects. We should be talking about updating the

comprehensive plan and asking the town of Chatham residence. How do they feel about this? Do they want this? Where do they want this? How big should it be? We don't start writing the law we find out what the people want.

Discussion continued.....

Supervisor: It would be good for all of us to revisit the comp plan as it stands right now and to look through it and to address some of the issues that were raised tonight. I'd like to maybe suggest we move on with angus's presentation and at the workshop meeting in February, we can bring all of our thoughts in, juxtapose proposals versus what we have in the comp plan.

Wapner: what's the disadvantage of waiting until we actually have a new and updated comprehensive plan?

Eaton: It will depend on how long it takes to get the plan in place.

Snarky remarks were flung and discussion continues on the reason for moving a solar law ahead. Eaton covered the three tiers in his power point presentation.

Supervisor: gather your thoughts and we'll put this on the workshop meeting for February 4.

CORRESPONDENCE:

- | | | |
|----|---------------------------------------|------------------------------|
| 1. | Dean Leonard, Engineer/NYS DOT
203 | Re: Harsh Winter Paving Rte. |
| 2. | NYS Association of Towns | Re: Delegate |
| 3. | Tracy Brown/Trout Unlimited | Re: Culvert Project |
| 4. | Andy Beers/Hudson Greenway | Re: AHET Project update |
| 5. | Karen McGraw | Re: Political Signs |

6. Tom Ehrich

Re: Committee Volunteer

7. Deborah Debour

Re: Lifeboats Climate

Smart group did not get the grant.

SUB-COMMITTEE REPORTS

1. Report by Councilman Weldon and Councilman Pitkin: Park & Recreation Committee.

Weldon: We've received updated population charts and graphs from Barton and Loguidice and it's our hope that the completed plan will serve as an impetus for the town to finally address the question of whether we want to provide parks and recreations to the residents of our town and address ways to fund it. PS 21 is working on their upcoming season, which will again include many outdoor activities and performances to continue from last year's pathway series using the trails in both Crellin Park and PS 21 properties. They're also planning to participate in our Park Day celebration with some type of immersive performance art presentation. CARP is discussing with CABA the prospect of moving the Chatham Farmers Market to Crellin Park. These discussions are in the very early stages, but there is a great deal of enthusiasm.

The echo in the pavilion: Vance Pitkin has attended numerous meetings with the architect, the supervisor and the code enforcement officer though most of the issues we have regarding the Pavilion construction had been resolved. The problem of the terrible echo within the structure is not being addressed as no one seems willing to take responsibility for it.

Weldon: part of the impetus for completing the Pavilion was to offer better facilities for Camp use but also for the rental use by members of the public. Better facility could command a higher rental fee greater appeal to potential renters of the structure. The definite Echo with three people inside it will be a tremendous liability when there are a hundred people in it or a band or any music at all. Our committee strongly feels that this situation needs to be addressed by the town board.

Last, the finance committees review while all members of our committee agree

that there are both room and reason for increasing fees for the summer camp programs in Crellin Park. The committee members likewise were in full agreement and have asked me convey their concern disappointment and dismay to the town board that another town committee has taken it upon itself to review the recreation programs and offer recommendations for changes without having any direct involvement of members of the Recreation committee or the recreation director himself. We sincerely hope that moving forward those most involved with Parks and Recreations in our town will be invited to participate in planning its future.

2. Report by Supervisor Collins: Finance & Planning Committee.

Supervisor: David Levow actually worked quite closely with Mike West our Rec Director to produce some of the figures for the analysis.

Weldon: he provided some figures but was not consulted or involved in discussions beyond providing information. like that.

Supervisor: It's fantastic news that of course affects Jeff Antalek and the highway department and projects we have there. A brief meeting with our accountants we discussed some things without completely knowing the end of the year totals. There are revenues and expenses still log and we will be looking at maybe a small surplus in the A fund, \$50,000 surplus in the B fund which is good news. I think even in DA and DB we're looking at a pretty good surplus around 125,000 dollars. We discussed reserves and at this time saying to avoid putting anything into the reserves except maybe with the highway department and their equipment purchasing reserve. Antalek is looking at purchasing two vehicles and a road grader. Also discussed was the potential of going after that Bond.

Supervisor: for the road grader 10 year bond we're looking at 33 to 34,000 dollar payments per year and going to be a 2% rise in taxes on that portion. We'll speak with Antalek on this.

Supervisor: Asked Levow if he'd like to comment on the Parks and Rec. analysis. Levow said he had one comment which was not a review. The finance committee was asked by this Board to conduct the review

3. Report by Councilman Weldon: Climate Smart/Action Task Force Committee.

Weldon: Our Towns Climate Committee was selected to be one of the six out of 24 applications to be chosen to participate in this program or receive the \$8,000 grant. The letter from the group explained that they were focusing more on startup committees that seem to need more help getting going than a committee like ours which they felt had already accomplished so many of its climate action goals. The application was rejected. However, has only served to strengthen our members resolve to accomplish the bronze status that is the focus of their program on our own to become eligible for greater grant financing opportunities for future climate related projects. We received a response from NYSERDA on the scope of the solarize Chatham. The committee has been laying groundwork to move forward under either the old program or the new one they've gone so far as they can go with that completing interviews with Community solar providers and selection of two, Astro Solar and Delaware River Solar providers to recommend to the board for selection earlier in the month. I responded to status check on the new program that is still eminent at this point. We're recommending that we still wait for the new program. Not only does waiting make possible grant eligibility, but both Astro and Delaware River solar would accept the delay and marketing opportunities may be better in a few months. Question: Does the board support us holding off on the rolling out of this program? Something to be considered.

Number three New York Stretch Energy Code. We had a presentation from a gentleman who is an expert on the stretch code, which is the new building standard with greater Energy Efficiency and conservation. We're working on a preparing a presentation for the town board to see if they'd like to incorporate that into our code enforcement in the coming months.

Lastly I have the street light upgrade. The committee members were greatly distressed to learn that the vote on the streetlight upgrade had been yanked from the agenda for the town boards December 3rd meeting. And that the supervisor and the chair of the finance committee had taken upon themselves to set up meetings with the utility companies discussed information that had already been presented to the town board by myself months earlier. Now we're further

dismayed to learn that the same committee co-chair was only included in these meetings as an afterthought just hours before the first such meeting was to take place. The project seems that been taken out of our committee's hands. We have no idea what the status is of this proposed upgrade project is and the clock is ticking on proposals from both nypa and the utilities companies.

4. Report by Councilwoman Mesick: Communications Committee.

Mesick: we are working on a newsletter John has spurred us along with that and really got us going by supplying some text that we might be able to use. Tammy, Jeannie, Michelle and Beth Ann as well, talked about the formatting issues that would need to be worked out in order for us to put out a newsletter so when we meet again the first Monday of this next month John and I will be bringing in some text for the newsletter and we'll get some formatting done. We don't have an exact date for the first issue but maybe at the following meeting. We would have something ready to offer to the board to look at to see if the board is okay with us issuing it to the public. There's also discussion about how frequently the newsletter should come out.

5. Report by Councilwoman Mesick: Comprehensive Plan Update Review Committee.

Mesick: We interviewed Joel Russell who is a very well-known established land use planner and attorney. We also interviewed Ted Fink from and had another very interesting interview. We found out that sometimes it's better to let them talk than us. We got almost all of our questions answered by us letting them talk. Lastly, the third person we reached out to was Joseph Czajka from Pattern for Progress. Joe submitted (and I think I sent to the board members) an alternative proposal for the creation of a Comprehensive Community Development Plan. This is all news to me. This is not a full comprehensive plan and it doesn't have the legally binding teeth of a comp plan. It's much less expensive and incorporates the work of locally appointed advisory committee that would work alongside Pattern for Progress consultant. We would end up with this plan that may reduce the cost of updating and revising the full comprehensive plan. So it would look at a lot of

the demographics and trends within our community and then there would be as much community outreach and engagement as possible.

Mesick: we just had a potential solar law and in the past a short-term rental law, there's a lot going on in Chatham that's happened since 2017 that we need to deal with. Our zoning code is just inadequate and our comprehensive plan is quite outdated. One thing that might be interesting is for us to think about this Community Conference of community development plan. Mr. Czajka said that if we started in February they would deliver around October. This would cover a lot of the goals and the recommendations. What would be the residual matter? What would not be addressed, how long would it take to address it and how much more would it cost to do? I don't feel like I'm in any type of a position to make any type of recommendation to the board except let's please consider it and I'd like the board to please consider maybe letting us have a workshop with Mr. Czajka so he can explain to all of us how this would work. I believe there's money set aside for this type of thing.

Mesick suggested that Mr. Czajka be invited to make a presentation to the Board at a future workshop meeting.

Wapner: Suggested an extra workshop meeting in February.

6. Report by Councilman Vance Pitkin: Broadband Committee

Pitkin: Collins, Levow and myself were on a call with Kevin Egan of Spectrum. Egan is the director of Government Affairs for the Eastern New York division. We shared our Broadband map with him and talked about some of the clusters of people that are not served within the town. He said he'd be willing to check the availability of service but specifically he's going to look at the Thomas Road area and County Route 13, where the two petitions had been generated, to see if to see what might be available in those areas. The governor announced a push to help low-income families pay for their Broadband coverage, which is great. But so far, there's no financial help to pay for installation. We've still got stuff to work on.

Pitkin: added that, as the Village Liaison, the village of Chatham has moved to disband their Village Court and has asked Chatham and Ghent to shoulder the

burden of the cases. It still has to go to a public hearing before it gets dissolved but they're really moving forward with it.

We have a new Village Clerk, Desiree Kelleher has taken over the position from Deb Myers who is staying on as treasurer.

Supervisor: David Levow mentioned that the town board did via resolution to authorized the finance and planning committee to look into the park and rec expenses. I didn't mean to distress anyone on the climate's smart committee by discussing the utility driven LED upgrade. I noticed when I asked Kevin to submit their programs that there's a little bit more information that was lacking and a meeting was scheduled with the utility. This is going to help us really ask questions of the NYPA program itself. So we'd like to continue those conversations.

REPORTS:

1. Assessor
2. Code Enforcement/Building Inspector
3. Dog Control
4. Environmental Management Council
5. Finance Department – on file
6. Highway Department – on file
7. Justice Court
8. Office of the Aging Advisory Board
9. Recreation Director – on file
10. Supervisor's Report – on file
11. Town Clerk – on file

NEW BUSINESS:

1. Association of Towns Delegate

We are a member of the AOT and we do pay dues and they are looking for representatives from our town to attend and to vote for their officials. I was hoping solicit volunteers tonight. I'm willing to be one of our delegates, anyone else?

OLD BUSINESS:

1. Albany Turnpike Road Traffic Signal Our engineering firm has been in contact with the DOT. There's been some resubmission of paperwork, of course, but we are just about on the very last steps before we go to bid, waiting back for the final the final draft the advertisement from B&L. So hopefully within the next day or two we can get that out.

2. Hartigan Road Slope Failure

was addressed in 2018 2019. I've talked to the County engineer and I've just reached out to the state engineer who's going to try to stimulate conversations with the Poughkeepsie office the DOT and he's willing to come out and speak with the Board. This is a mitigation that we wouldn't be able to do with our highway equipment, but it is a concern. We'll be looking to educate everyone a little bit further on the progress from the DOT side. We have received a letter from B&L expressing their interest in representing us in this case which we can discuss at a future meeting.

3. Special Use Permit; Transfer from ZBA to PB

We can do is declare the town board lead agency to move this to the Columbia County planning board. Thumbs up from the PB and ZB

4. Lot line adjustment

RESOLUTIONS:

1. RES. #44-21: To accept the Town Accountant's Financial Supervisor's Report. Offered by Weldon, seconded by Wapner.

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

2. RES. #45-21: To accept the Financial Abstract as presented to pay the Town bills. Offered by Pitkin, seconded by Wapner.

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

3. RES. #46-21: To approve Town Board Meeting minutes. (12/3/20 and 12/17/20)

Resolution to approve the minutes of the Town Board Meetings for the following dates: December 3, 2020 and December 17, 2020. Offered by Mesick, seconded by Pitkin. VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

4. RES. #47-21: To extend RPTL Tax exemptions to 2021 Assessment Roll.
REAL PROPERTY TAX LAW, SENIOR CITIZEN & DISABLED

WHEREAS, pursuant to the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (Part B, Subpart D) signed by Governor Cuomo on December 28, 2020, every governing body of an assessing unit and local assessor shall extend to the 2021 assessment roll, the renewal of the exemptions received on the 2020 assessment roll pursuant to sections 467 (senior citizen) and 459-c (limited income disability) of the real property tax law; and

WHEREAS, no renewal application shall be required of any eligible property owner who received either exemption on the 2020 assessment roll in order for such eligible property owner to continue receiving the exemption at the same amount received on the 2020 assessment roll unless the eligible property owner

determines their income has changed in a manner that would grant them a greater exemption than was present on the 2020 assessment roll; and

WHEREAS, notwithstanding the foregoing, if the assessor has reason to believe that a potentially eligible property owner has since (after the 3/1/2020 taxable status date and prior to the 3/1/2021 taxable status date) changed their primary residence, added another owner to the deed, sold the property, or is now deceased, the assessor may require a renewal application in his/her sole discretion.

NOW THEREFORE BE IT RESOLVED the Town Board of the Town of Chatham hereby authorizes the exemptions referenced above (senior citizen & limited income disability) for the 2021 assessment roll without submission of a renewal application unless otherwise required by the assessor.

Offered by Pitkin, seconded by Weldon.

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

5. RES #48-21: To appoint a Building/Zoning/Planning Clerk Typist

WHEREAS, the Clerk/Typist position for the Planning Board, Zoning Board and Building

Department has become vacant effective January 1, 2021 and has resulted in the need to fill the position,

and THEREFORE BE IT RESOLVED, the Chatham Town Board appoints Jessica Heeder to the Planning Board at 4.5hrs per week, Zoning Board at 4.5hrs per week and the Building Department at 10hrs per week at a rate of \$15.30 per hour effective February 1, 2021.

Offered by Collins, seconded by Pitkin.

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

6. RES. # 49-21

RESOLUTION TO ASSIGN DELEGATE AND ALTERNATE

WHEREAS, the Town of Chatham is a member of the Association of Towns of the State of New York, and

WHEREAS, the Town Board must adopt a resolution designating its delegate (and alternate) to attend the Annual Business Meeting, to be held virtually on February 14-17, 2021, with the purpose of electing the president, five vice presidents and voting on the Association's annual legislative platform,

and THEREFORE BE IT RESOLVED, the Chatham Town Board designates Donal Collins, Supervisor as the Delegate for the Town of Chatham and John Wapner, Councilmember as an alternate. Offered by Pitkin, seconded by Weldon.

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

7. RES. #50-21

DECLARATION OF LEAD AGENCY

ENACTMENT OF LOCAL LAW #1 OF 2021

WHEREAS, The Town Board of the Town of Chatham has determined that it is necessary and in the best interest of the residents of the Town to enact a local law amending the Town Zoning Law to move the responsibility, jurisdiction and authority to review and approve Special Use Permits from the Zoning Board of Appeals to the Planning Board, and

WHEREAS, it is necessary for the Town to complete the SEQRA (State Environmental Quality Review Act) process, and

WHEREAS, the Town Board is the only agency involved to act as Lead Agency for such review. NOW THEREFORE IT IS HEREBY

RESOLVED, that the Town Board of the Town of Chatham hereby declares itself Lead Agency for the purpose of completing the SEQRA process. Offered by Weldon, seconded by Collins.

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

8. RES. #51-21

DECLARATION OF LEAD AGENCY

ENACTMENT OF LOCAL LAW #2 OF 2021

WHEREAS, The Town Board of the Town of Chatham has determined that it is necessary and in the best interest of the residents of the Town to enact a local law amending the Town Subdivision Law to provide for a streamlined process for review and approval of lot line adjustments, and WHEREAS, it is necessary for the Town to complete the SEQRA (State Environmental Quality Review Act) process, and WHEREAS, the Town Board is the only agency involved to act as Lead Agency for such review. NOW THEREFORE IT IS HEREBY

RESOLVED, that the Town Board of the Town of Chatham hereby declares itself Lead Agency for the purpose of completing the SEQRA process.

Offered by Mesick, second by Wapner.

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

9.RES. #52-21 GENERAL MUNICIPAL LAW §239 L AND M REVIEW

ENACTMENT OF LOCAL LAW #1 OF 2021

WHEREAS, The Town Board of the Town of Chatham has determined that it is necessary and in the best interest of the residents of the Town to enact a local law amending the Town Zoning Law to move the responsibility, jurisdiction and authority to review and approve Special Use Permits from the Zoning Board of Appeals to the Planning Board, and WHEREAS, it is necessary for the Town to complete the General Municipal Law §239 l and m referral and review process. NOW THEREFORE IT IS HEREBY RESOLVED, that the Town Board of the Town of Chatham hereby directs that the Attorney for the Town accomplish the referral of such local law to the Columbia County Planning Board. Offered by Mesick, second by Wapner.

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

10. RES. #53-21

REFERRAL OF LOCAL Law TO COLUMBIA COUNTY PLANNING BOARD FOR
GENERAL MUNICIPAL LAW §239 L AND M REVIEW

ENACTMENT OF LOCAL LAW #2 OF 2021

WHEREAS, The Town Board of the Town of Chatham has determined that it is necessary and in the best interest of the residents of the Town to enact a local law amending the Town Subdivision Law to provide for a streamlined process for review and approval of lot line adjustments, and WHEREAS, it is necessary for the Town to complete the General Municipal Law § 239 l and m referral and review process.

NOW THEREFORE IT IS HEREBY

RESOLVED, that the Town Board of the Town of Chatham hereby directs that the Attorney for the Town accomplish the referral of such local law to the Columbia County Planning Board. Offered by Pitkin, second by Wapner.

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

CONDUCT ANY OTHER BUSINESS THAT COMES BEFORE THE TOWN BOARD

PUBLIC COMMENT

Motion was made by Collins to adjourn at 8:52PM, second by Weldon and carried.

Respectfully submitted by,

Beth Anne Rippel, Town Clerk